# REMARKS

**[0001]**    Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1, 3-12, 15-24, and 53-63 are presently pending. Claims 1, 20, 21, 24, 53-55, and 57-63 are amended herein; no claims are withdrawn or cancelled herein; and no new claims are added herein.

## Formal Request for an Interview

**[0002]**    If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant— so that we can talk about this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

**[0003]**    Please contact me to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for me, I welcome your call as well. My contact information may be found on the last page of this response.

## Allowable Subject Matter

**[0004]**    Applicant would like to thank the Examiner for indicating that claims 1, 3-12, and 15-23 would be allowable if rewritten to overcome the rejections under 35 U.S.C. 112 and for indicating that claims 20 and 21 would be allowable if rewritten to overcome the rejection under 35 U.S.C. 101.

**[0005]**    Claim 1 is amended herein. Applicant submits that, as amended, claim 1 meets the requirements of 35 U.S.C. 112, and is therefore allowable. Claims 3-12 and 15-23 depend from claim 1, and are therefore, also allowable.

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**[0006]**     Claims 20 and 21 are amended herein, as recommended by the Examiner. Accordingly, Applicant submits that claims 20 and 21 are allowable.

## Claim Amendments

**[0007]**     Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant amends claims 1, 20, 21, 24, 53-55, and 57-63 herein. Applicant amends claims to clarify claimed features. Such amendments are made to expedite prosecution and more quickly identify allowable subject matter. Such amendments are merely intended to clarify the claimed features, and should not be construed as further limiting the claimed invention in response to the cited references. Support for the claim amendments presented herein is found in the specification at least at pages 12-14, as originally filed.

# Substantive Matters

## Claim Rejections under § 112 1ST ¶

[0008]     Claims 1, 3-12, 15-23, and 53-63 are rejected under 35 U.S.C. § 112, 1st ¶. Applicant respectfully traverses this rejection. Furthermore, in light of the amendments presented herein, Applicant submits that these rejections are moot. Accordingly, Applicant asks the Examiner to withdraw these rejections.

## Claim Rejections under § 112 2nd ¶

[0009]     Claims 1, 3-12, and 15-23 are rejected under 35 U.S.C. § 112, 2nd ¶. Applicant respectfully traverses this rejection. Furthermore, in light of the amendments presented herein, Applicant submits that these rejections are moot. Accordingly, Applicant asks the Examiner to withdraw these rejections.

## Claim Rejections under § 101

[0010]     Claims 20, 21, and 53-56 are rejected under 35 U.S.C. § 101. Applicant respectfully traverses this rejection. Furthermore, in light of the amendments presented herein, Applicant respectfully submits that these claims comply with the patentability requirements of §101 and that the §101 rejections should be withdrawn. Applicant further asserts that these claims are allowable. Accordingly, Applicant asks the Examiner to withdraw these rejections.

[0011]     If the Examiner maintains the rejection of these claims, then Applicant requests additional guidance as to what is necessary to overcome the rejection.

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## Claim Rejections under § 102 and § 103

**[0012]**      The Examiner rejects claims 24, 53-55, 57, 58, 62, and 63 under § 102. In light of the amendments presented herein, Applicant submits that these rejections are moot. Furthermore, for the reasons set forth below, Applicant submits that the Examiner has not shown that the cited references anticipate the rejected claims.

**[0013]**      In addition, the Examiner rejects claims 56 and 59-61 under § 103. In light of the amendments presented herein, Applicant submits that these rejections are moot. Furthermore, for the reasons set forth below, Applicant submits that the Examiner has not made a prima facie case showing that the rejected claims are obvious.

**[0014]**      Accordingly, Applicant respectfully requests that the § 102 and § 103 rejections be withdrawn and the case be passed along to issuance.

**[0015]**      The Examiner's rejections are based upon the following references alone and in combination:

- **Dutta:** *Dutta et al.,* US Patent Application No. 2002/0152283 (published October 17, 2002);

- **Microsoft Computer Dictionary:** *Microsoft Computer Dictionary, Fifth Edition* (published 2002); and

- **Jacobs:** *Jacobs et al.,* US Patent Number 6,819,961 (filed December 12, 2002).

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## Overview of the Application

**[0016]**     The Application describes a technology for providing access to alternate content in documents rendered using an interactive television viewing system. A browser or other rendering engine that supports access to alternate content determines which elements in the document may receive focus, based on whether or not an accessibility mode is active. When an accessibility mode is active, the list of focusable elements may contain elements that, by default, are not focusable elements, but that have associated alternate content. An icon or other demarcation, either audio or visual, can be used to indicate to the user whether or not an accessibility mode is active. Furthermore, an input device, such as a television remote control can be configured to provide a mechanism for activating and deactivating an accessibility mode. (*Application, Summary.*)

**[0017]**     The Application further notes that some hypertext markup language (HTML) browser applications written for use on computer systems include functionality for accessing alternate content, but typically rely on pointing devices, such as a mouse. Unfortunately, interactive television systems generally support user interaction through a television remote control and do not include a pointing device. As such, interactive television systems lack a mechanism for allowing viewers to access alternate content in HTML documents. (*Application*, paragraph [0002].)

**[0018]**     As illustrated in Figure 1, the Application is clearly directed to a system that does not include a pointing device, such as a mouse. Paragraph [0017] states, "navigation is performed by a user using directional inputs by pressing arrow buttons 114 of remote control 108, arrow keys or other inputs associated with handheld device 110, or arrow keys 116 of keyboard 112." Paragraph [0017] further states, "pressing a 'select'

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button on remote control 108 while a button associated with an HTML document has the focus, causes the browser to perform the functionality associated with the button."

## Primary Reference

**[0019]**      The Examiner cites Dutta as the primary reference in the anticipation- and obviousness-based rejections. The Examiner cites Microsoft Computer Dictionary and Jacobs as secondary references in the obviousness-based rejections.

### *Dutta*

**[0020]**      Dutta describes a technology for providing access to alternate formats within an electronic document. A web page is parsed and a document object model (DOM) is created, and the alternate format attribute of an image element within the DOM is parsed. The browser then displays the web page containing an image (or images) according to the default settings of the browser. A user interface is specified which allows the user to select alternate formats for the default image. This user interface may be in the form of a pop up menu that is presented to the user in response to an input command, such as a right mouse click on the default image. The user can then select an alternate format which replaces the original image in the web page. (*Dutta, Abstract.*)

# Anticipation Rejections

**[0021]**　Applicant submits that the anticipation rejections are not valid because, for each rejected claim, no single reference discloses each and every element of that rejected claim.[1] Furthermore, the elements disclosed in the single reference are not arranged in the manner recited by each rejected claim.[2]

## Based upon Dutta

**[0022]**　The Examiner rejects claims 24, 53-55, 57, 58, 62, and 63 under 35 U.S.C. § 102(b) as being anticipated by Dutta. Applicant respectfully traverses the rejection of these claims. Based on the reasons given below, Applicant asks the Examiner to withdraw the rejection of these claims.

### *Independent Claim 24*

**[0023]**　Applicant submits that Dutta does not anticipate this claim, as amended, because it does not disclose the following elements as recited in this claim (with emphasis added):

- receiving, by a document rendering application, a document having one or more elements, individual elements having standard content and having associated alternate content that can be rendered, **wherein the**

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[1] "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); also see MPEP §2131.

[2] See *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

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document rendering application is configured to operate in a standard mode of operation and an accessibility mode of operation;

- determining, by the document rendering application, **that the document rendering application is in the standard mode of operation; based on determining** that the document rendering application is operating in the standard mode of operation, the document rendering application **rendering the standard content** associated with each of the elements; and

- determining, by the document rendering application, **that the document rendering application is operating in the accessibility mode of operation; based on determining** that the document rendering application is in the accessibility mode of operation, the document rendering application **rendering the alternate content** associated with at least one of the elements.

**[0024]**    The Examiner cites Dutta, paragraphs [0008] and [0038]-[0053] in rejecting this claim. As stated in Dutta, paragraph [0008], the system described provides "access to alternate formats within an electronic document." However, the implementation by which that access is provided, as described in Dutta, differs from the method of claim 24.

**[0025]**    Dutta, paragraph [0008] states, in part:

A browser then displays the web page containing an image (or images) according to the default settings of the browser. A user interface is specified which allows the user to select alternate formats for the default image. This user interface may be in the form of a pop up menu that is presented to the user in response to an input command, such as a right

mouse click on the default image. The user can then select an alternate format which replaces the original image in the web page.

**[0026]**      According to Dutta, the alternate content is made available to the user via a pop up menu. Dutta does not make any mention of a document rendering application configured to operate in two different modes of operation, one of which provides access to the alternate content.

**[0027]**      Dutta, paragraphs [0038] and [0039]-[0047] further support that the alternate content in Dutta is made available via an interactive menu that is part of the document – not via an accessibility mode of operation of the document rendering application. Specifically, paragraph [0038] states, in part, "The tag can be activated by right clicking or double clicking on a mouse, or by any other means by which options and menus are usually accessed." Paragraphs [0039]-[0047] state, in part:

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An example of a XUL script to add a pull down menu is as follows:
<window>
<menubar>
<menu name="formats">
<menuitem name="depth map" onclick="displaydepthmap()"/>
<menuitem name="intensity map" onclick="displayintensitymap()"/>
</menu>
</menubar>
</window>
```

**[0028]**      This script, is further evidence that the menu by which alternate content may be accessed, according to Dutta, is part of the document itself. In contrast, claim 24 specifies that the alternate content is displayed based on the document rendering

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*application* being in an accessibility mode of operation. Dutta does not disclose such an accessibility mode of operation.

**[0029]** Consequently, Dutta does not disclose all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

## *Independent Claim 53*

**[0030]** Applicant submits that, as amended, claim 53 recites elements that are similar to those recited in claim 24, as amended. Accordingly, Applicant submits that claim 53 is allowable at least for reasons similar to those presented above with reference to claim 24, and asks the Examiner to withdraw the rejection of this claim.

## *Dependent Claim 54*

**[0031]** This claim depends upon independent claim 53. As discussed above, claim 53 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, claim 54 may also be allowable for additional independent reasons.

## *Independent Claim 55*

**[0032]** Applicant submits that Dutta does not anticipate this claim, as amended, because it does not disclose the following elements as recited in this claim (with emphasis added):

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means for **modifying a list of elements that are selectable for focus** and are associated with a document to be rendered, <u>such that while a particular element is selected for focus, any input received is, by default, directed to that element.</u>

**[0033]**     Regarding claim 55, the Examiner states:

When an indication of the viewer's intent to activate an accessibility mode (loading the browser add-on) is received the list of focusable elements is altered to include the second element (non-interactive element which includes alternate content)

**[0034]**     In support of this statement, the Examiner cites Dutta, paragraphs [0005]-[0008] and [0038]-[0053]. Dutta does not describe "modifying a list of elements that are selectable for focus," as recited in claim 55.

**[0035]**     As amended, claim 55 further clarifies that when an element is selected for focus, any input received is, by default, directed to that element. In contrast, the non-interactive element which includes alternate content (in Dutta and referenced by the Examiner) is not selected for focus. Rather, input from a user (e.g., a right-mouse-click) causes a separate interface (e.g., a pop up menu) to be launched. Once the menu is launched, the menu has the focus – not the element over which the cursor was during the right-mouse-click. Furthermore, the non-interactive element does not have the focus prior to the right-mouse-click. That is, at that time, any input received is not, by default, directed to that element. In other words, a different element (e.g., a text box) may have the focus so that, if the user were to press a letter key, that input would be directed to the text box – even though the mouse may be over the non-interactive element.

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**[0036]**    Consequently, Dutta does not disclose all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

## *Independent Claim 57*

**[0037]**    Applicant submits that Dutta does not anticipate this claim, as amended, because it does not disclose the following elements as recited in this claim (with emphasis added):

- **determining a list of focusable elements that includes those elements that are, by default, selectable for focus**, the elements being associated with a document to be rendered;

- **altering the list of focusable elements to further include elements that have associated alternate content, but that are not, by default, selectable for focus.**

**[0038]**    As discussed above with reference to claim 54, Dutta does not disclose altering a list of focusable elements to include elements that are not, by default, selectable for focus.

**[0039]**    Consequently, Dutta does not disclose all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

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*Dependent Claims 58, 62, and 63*

**[0040]**     These claims ultimately depend upon independent claim 57. As discussed above, claim 57 is allowable.   It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable.   Additionally, some or all of these claims may also be allowable for additional independent reasons.

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# Obviousness Rejections

## Lack of *Prima Facie* Case of Obviousness (MPEP § 2142)

**[0041]**    Applicant disagrees with the Examiner's obviousness rejections. Arguments presented herein point to various aspects of the record to demonstrate that all of the criteria set forth for making a prima facie case have not been met.

## Based upon Dutta in view of Microsoft Computer Dictionary

**[0042]**    The Examiner rejects claims 59-61 under 35 U.S.C. § 103(a) as being unpatentable over Dutta in view of Microsoft Computer Dictionary.    Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

### *Dependent Claims 59-61*

**[0043]**    These claims ultimately depend upon independent claim 57.   As discussed above, claim 57 is allowable.   Furthermore, the Microsoft Computer Dictionary does not add to the teaching of Dutta with respect to claim 57.   It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable.   Additionally, some or all of these claims may also be allowable for additional independent reasons.

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## Based upon Dutta in view of Jacobs

**[0044]**     The Examiner rejects claim 56 under 35 U.S.C. § 103(a) as being unpatentable over Dutta in view of Jacobs.   Applicant respectfully traverses the rejection of this claim and asks the Examiner to withdraw the rejection of this claim.

### *Dependent Claim 56*

**[0045]**     Claim 56 depends upon independent claim 55.  As discussed above, claim 55 is allowable.  Furthermore, Jacobs does not add to the teaching of Dutta with respect to claim 55.  It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable.   Additionally, some or all of these claims may also be allowable for additional independent reasons.

## Dependent Claims

**[0046]**     In addition to its own merits, each dependent claim is allowable for the same reasons that its base claim is allowable.  Applicant requests that the Examiner withdraw the rejection of each dependent claim where its base claim is allowable.

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## Conclusion

**[0047]**     All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application.  If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action**.  Please call or email me or my assistant at your convenience.


Respectfully Submitted,


Lee & Hayes, PLLC
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